

HOUSE BILL 852

Unofficial Copy
L2
HB 587/99 - CGM

2001 Regular Session
1r0602

By: **Montgomery County Delegation and Prince George's County
Delegation**

Introduced and read first time: February 9, 2001
Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Prince George's County - Land Use Regulation - Delegation to Municipal**
3 **Corporations**
4 **MC/PG 122-01**

5 FOR the purpose of authorizing the District Council for Prince George's County to
6 delegate certain powers relating to detailed site plans and landscaping to the
7 governing body of a municipal corporation within the Maryland-Washington
8 Regional District in Prince George's County; providing that certain standards
9 and requirements pertaining to land use regulation may not be substantially
10 different from certain standards or requirements that would otherwise apply;
11 and generally relating to authorization for the delegation of certain land use
12 matters from the District Council of Prince George's County to municipal
13 corporations in the County.

14 BY repealing and reenacting, with amendments,
15 Article 28 - Maryland-National Capital Park and Planning Commission
16 Section 8-112.4
17 Annotated Code of Maryland
18 (1997 Replacement Volume and 2000 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
20 MARYLAND, That the Laws of Maryland read as follows:

21 **Article 28 - Maryland-National Capital Park and Planning Commission**

22 8-112.4.

23 (a) This section applies to any land within the corporate limits of a municipal
24 corporation in the Maryland-Washington Regional District in Prince George's
25 County.

1 (b) (1) Subject to [paragraph] PARAGRAPHS (2) AND (3) of this subsection,
2 the District Council may provide that the governing body of a municipal corporation
3 may exercise the powers of the District Council in regard to:

4 (i) Design standards;

5 (ii) DETAILED SITE PLANS;

6 (III) Parking and loading standards;

7 [(iii)] (IV) Sign design standards;

8 [(iv)] (V) Variances for lot size, setback requirements, and similar
9 requirements; and

10 [(v)] (VI) Landscaping requirements, INCLUDING REQUESTS FOR
11 COMPLIANCE ALTERNATIVES FROM THE PRINCE GEORGE'S COUNTY LANDSCAPE
12 MANUAL.

13 (2) When exercising authority delegated under paragraph (1) of this
14 subsection, the governing body of a municipal corporation shall be subject to the
15 substantive and procedural requirements and standards established by the District
16 Council.

17 (3) When exercising authority delegated under paragraph (1) of this
18 subsection, the governing body of a municipal corporation may not impose any
19 standard or requirement SUBSTANTIALLY different from standards or requirements
20 that would apply had the District Council not delegated its authority to the municipal
21 corporation.

22 (c) Any party to an action of the governing body of a municipal corporation
23 under this section shall have the same right of appeal to the circuit court as the party
24 would have if the action had been taken by the District Council.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 October 1, 2001.